
CASE COMMENT ON THE SUPREME COURT JUDGEMENT OF URMILA DIXIT V. SUNIL SHARAN DIXIT & ORS

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Introduction

The State, in its obligation under Article 41 of the Constitution of India enacted The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act”) amidst the growing concerns of neglect, ill treatment, and abuse of senior citizens by their own kin. The Constitution places a responsibility on the State to make appropriate provisions, based on its economic capacity, to ensure the right to assistance in situations such as unemployment, old age, illness, disability, and other forms of hardships arising from genuine need.¹ The Supreme Court, in the case of *Urmila Dixit v. Sunil Sharan Dixit & Ors*,² cemented the principle underlying the Act. The Bench comprising of Hon’ble Justice Sanjay Karol and Justice C.T. Ravikumar on 02.02.2025 held that the non-fulfilment of maintenance provision renders a transfer null and void. It emphasized that the beneficial legislations should be interpreted liberally so as to serve the intended beneficiaries to the greatest extent. The Apex Court also reinstated the position that the Tribunals are empowered to restore possession as part of the enforcement of senior citizens’ right. This Judgement is a significant step in empowering the vulnerable elderly individuals, who often feel powerless and dependent by relinquishing their financial independence, by restoring and strengthening their socio-economic status.

Facts of the case

This case concerns a property dispute between a mother (the Appellant) and her Son (the Respondent). The Appellant approached the Apex Court by way of a Special Leave Petition, seeking to set aside the impugned order of the Division Bench of the Madhya Pradesh High Court.

¹ India Const. art. 41.

² 2025 INSC 20

The factual background shows that the property in question was purchased by the Appellant in 1968. Later, on 07.09.2019, a Gift Deed was executed in the favour of the son. In this deed, it was mentioned that the donee is under obligation to take care of the donor and provide for all the basic needs. The deed was officially registered on 09.09.2025. On the same day as the registration, the son is said to have executed a promissory note (“*vachan patra*”), wherein he undertook to look after his mother for the rest of her life. The note also stated that in event of breach, the mother had the right to reclaim the property. However, the son later argued that this promissory note was forged.

On 24.12.2020, the mother filed an application before the Sub-Divisional Magistrate, Chhatarpur, under Section 22³ of the Act, accusing the son of attacking and ill- treating her and her husband. She also claimed that the love and affection between them had ended and sought to have the Gift Deed set aside, invoking the remedy under Section 23⁴ of the Act. The ruling came in her favour. Aggrieved by the order, the son preferred an appeal, which was dismissed by order dated 25.04.2022.

The son then filed a writ petition before the high court of Madhya Pradesh, challenging the decisions of the local authorities. The Single Judge of the High Court upheld the previous rulings, observing that the son had failed to fulfill his duty to care for his parents, as required by the conditions mentioned in the Gift Deed and the Promissory Note.

Subsequently, the son filed a writ appeal against the Single Judge’s decision. Interestingly, the Division Bench of the High Court allowed the appeal, overturned the earlier judgements, and also made a few key observations:

- Section 23 of the Act is an independent provision. It is limited to checking whether the Gift Deed contains any conditions related to basic care and whether the person receiving any property has failed to provide such care. The Tribunal’s powers do not extend beyond this.
- In the present case, the Gift Deed did not contain any express clause requiring the son to maintain his mother.

³ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, s.22.

⁴ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, s.23.

- The argument based on the affidavit dated 07.09.2019 is not acceptable. Had the parties intended such an arrangement, the gift deed itself would have explicitly contained a corresponding clause.

Therefore, this appeal is preferred by the Appellant before the Hon'ble Supreme Court to set aside the ruling of the Division Bench of the High Court.

Issues for Consideration

The issue before this Court is **whether the High Court was correct in overturning the Tribunal's order that granted the Appellant the benefit of Section 23 of the Act?**

Appellant's Arguments

The Appellant submitted that the Gift Deed was executed on the basis of an express promise to provide care and maintenance. The Promissory Note, executed simultaneously with the registered Gift Deed, constitutes an enforceable agreement mandating the son to provide for basic amenities to the mother. It was contended that the transfer was conditional, and the son failed to perform the obligations attached to it. It was further stated that there was no longer any bond of love and affection between the parties, and the relationship had deteriorated into emotional neglect and physical assault. The Appellant argued that the High Court applied an unduly strict interpretation of Section 23(1) while assessing its applicability, limiting it to instances involving express conditional clauses. Given that the legislation was enacted to provide beneficial protection to senior citizens, it ought to be interpreted liberally to truly safeguard the interests of its intended beneficiaries.

Respondent's Arguments

The Respondent, on the other hand, questions the authenticity of the Promissory Note and alleged that it had been fabricated. They also state that there was no express clause in the said deed indicating any promise of care, and that the transfer was made purely out of love and affection, with no condition attached to it. Thus, they argue that the applicability of Section 23(1) is ruled out as it mandates the existence of express conditional clause and its subsequent breach. They also disputed the jurisdiction of the Tribunal to restore the possession and cancel the transfer. The Respondents challenge both the procedural formalities and the legal basis on

which the subordinate court relied for its judgements.

Analysis: Rule of Interpretation

The Act is a beneficial legislation enacted to protect senior citizens', particularly from neglect caused by changes in family relationships. Courts should adopt a liberal approach so as to fulfill the purposive intent of the legislature, which to safeguard neglected parents and senior citizens. In *Brahmpal v. National Insurance Company*,⁵ the Supreme Court ruled that beneficial laws should be given a broad interpretation to effectively achieve their objectives. Similarly, in *K.H. Nazar v. Mathew K. Jacob*,⁶ the Court stressed that such laws should be understood based on their purpose, avoiding strict or narrow readings. Any exceptions in these laws should be interpreted narrowly to ensure their main purpose is not weakened.

Coming to the purpose of the Act, the Court in *S. Vanitha v. Deputy Commissioner*,⁷ observed that the Act was enacted to address the growing problem of elderly neglect due to the decline of joint family systems. Many senior citizens, especially widowed women, suffer emotional and financial neglect. Existing maintenance remedies under the Code of Criminal Procedure are slow and expensive, so the Act aims to provide a simple, fast, and affordable mechanism for maintenance claims. The courts have also emphasized the social obligation of children to maintain parents unable to support themselves.⁸

Further, in cases like *Badshah v. Urmila Badshah Godse*⁹ and *Rajnish v. Neha*,¹⁰ the Court stressed promoting social justice for vulnerable groups in line with the constitutional vision. In *Ashwani Kumar v. Union of India*,¹¹ the Court recognized that although the Constitution did not explicitly foresee protections for the elderly, it is flexible and evolving. The judiciary has progressively interpreted Article 21 to protect elderly rights, including dignity, shelter, and sustenance, in response to emerging social needs.

⁵ (2021) 6 SCC 512

⁶ (2020) 14 SCC 126

⁷ (2021) 15 SCC 730

⁸ *Vijaya Manohar Arbat Dr V Kashirao Rajaram Sawai*, (1987) 2 SCC 278.

⁹ (2014) 1 SCC 188

¹⁰ (2021) 2 SCC 324

¹¹ (2019) 2 SCC 636

Analysis: Legal Provisions

Section 23(1) of the Act says that if a senior citizen transfers a property on the condition that the person receiving it will provide basic care, and that person fails to do so, the transfer can be declared void by the Tribunal. The Tribunal also has the power to restore possession to the senior citizen for making the remedy effective. For this to apply, two things must be proven:

- (a) the transfer was conditional on providing care and basic amenities, and
- (b) the person receiving the property refused or failed to provide that care, as explained in *Sudesh Chhikara v. Ramti Devi*.¹²

Judgement

The Hon'ble Court, after carefully considering the submissions, relevant legal provisions, and precedents advanced before it, held that the Promissory Note and Gift Deed clearly imposed a condition that the Respondent would maintain the Appellant and her husband. The Appellant alleged that this obligation was not fulfilled and that relations had broken down.

The Court also clarified that, as held in *S. Vanitha v. Deputy Commissioner*,¹³ tribunals established under the Act have the authority to order eviction and restore possession when necessary to safeguard the rights of senior citizens. Denying this power would defeat the very purpose of the Act, which is to provide swift, simple, and effective relief to the elderly.

The Court also emphasized that Section 23 is not a standalone provision but is intrinsically connected to the Act's objectives. It enables senior citizens to reclaim their property when the conditions of maintenance, upon which the transfer was made, are violated.

Accordingly, the appeal was allowed, the Gift Deed quashed, and possession was ordered to be restored to the Appellant by 28.02.2025.

Judgement Analysis

The Supreme Court's decision in *Urmila Dixit v. Sunil Sharan Dixit & Ors* reflects a sensitive

¹² 2022 SCC Online SC 1684

¹³ *S. Vanitha*, *supra* note 7, at 5.

and socially conscious interpretation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The judgement emphasizes on purposive interpretation and reflects the principles of constitutional morality, asserting that it is the State's duty to safeguard the interest of senior citizens, particularly those who are neglected, dependent, and ill-treated. It also bases its reasoning on Article 21, which guarantees an individual the right to live a dignified life. Therefore, the State must take affirmative measures to protect this right. This, in fact, is the intent behind this welfare legislation and any judicial interpretation should be directed towards achieving the intended objective.

The Judgement also reaffirmed the legal principle that "where there is a right, there must be an effective remedy". By clarifying the Tribunal's jurisdiction to restore possession, the Court ensured that the rights conferred under the Act are not rendered illusory but are capable of being meaningfully enforced.

Conclusion

It is a reality that family structures are transitioning from traditional joint families to modern nuclear families, driven by factors such as rising inflation, personal choices, and financial planning. While these reasons are understandable, the downside is the increased risk of neglect faced by vulnerable family members, especially the elderly, who are often perceived by their children as burdens. In some cases, this neglect escalates to physical violence, emotional abuse, and other forms of mistreatment. Some children may even take advantage of their parents' resources and then abandon them to fend for themselves.

Society shapes the law, and although law alone cannot change societal values, it remains a powerful tool to enforce important social norms which conforms to the constitutional mandates such as the obligation to ensure elderly citizens live with respect and dignity, and the prohibition of all forms of violence or cruelty. Therefore, law and society must work in tandem, with the law reinforcing these norms through welfare legislations.

It is important to recognize that the law does not enforce social norms simply because they are moral ideals. That is not the primary role of the legal system. Instead, the legislature has thoughtfully created a specific legal mechanism through the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby elderly parents can impose a condition of care and maintenance while transferring their property. In the event of a breach of this condition,

the transfer is presumed to have been made under force or coercion and is therefore declared null and void.

This legal presumption is remarkable because it transforms what was once a mere social expectation into a binding legal obligation. It grants the social norm of caring for one's parents a firm legal foundation without blurring the line between law and morality. The law does not act as an agent of moral policing but establishes clear, enforceable rights aimed at welfare and protection.

The judiciary, through its purposive interpretation, has reinforced and strengthened this legal framework. By interpreting the Act liberally and in alignment with its welfare objectives, the courts have ensured that the social norm of caring for elders is not just aspirational but is backed by effective legal remedies. In doing so, they have integrated this social norm into the fabric of law in a manner that is both principled and practical.